

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH GIARDALA,

Petitioner,

-against-

E. BELL,

Respondent.

19-CV-11917 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Petitioner initiated this action by letter, requesting assistance from the Court in filing a petition for a writ of *habeas corpus*. On February 19, 2020, the Court directed Petitioner to file an *in forma pauperis* (IFP) application and a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 and denied without prejudice Petitioner's request for the assignment of counsel. After receiving this order, Petitioner wrote the Court to request, for the second time, the appointment of counsel, which the Court denied without prejudice, explaining that Petitioner must **first** file his petition before the Court considers his request for the assignment of counsel. (ECF No. 6, issued Feb. 27, 2020).

The Court is in receipt of another letter from Petitioner requesting the assignment of counsel, as well as an extension of time to file his petition. (ECF No. 7.) Because the Court received this letter on the same date that it denied Petitioner's second request for counsel, the Court presumes that he did not receive the February 27, 2020 order. In any event, the Court **denies without prejudice Petitioner's request for the assignment of counsel**. The Court also denies Petitioner's request for an extension of time to file his petition.¹

¹ Petitioner must be mindful of the fact that he has **one year from the date his judgment becomes final** to file his petition. On January 18, 2019, the New York Court of Appeals denied him leave to appeal. *See People v. Giardala*, 32 N.Y.3d 1172 (2019). He has one year and ninety

The Court directs Petitioner to complete the petition by answering the questions to the best of his ability, signing the form, and mailing it to the Court's Pro Se Intake Unit.

CONCLUSION

The Court directs the Clerk of Court to mail a copy of this order to Petitioner and note service on the docket.

Petitioner's requests for the appointment of counsel and for an extension of time to file his 29 U.S.C. § 2254 petition (ECF No. 7) are both denied.

SO ORDERED.

Dated: March 4, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge

days from the date of this decision to file his petition. *See Warren v. Garvin*, 219 F.3d 111, 112 (2d Cir. 2000).